



General Assembly

***Amendment***

***January Session, 2011***

**LCO No. 6734**

**\*SB0095706734SD0\***

Offered by:

SEN. DUFF, 25<sup>th</sup> Dist.

REP. TONG, 147<sup>th</sup> Dist.

To: Subst. Senate Bill No. **957**

File No. 292

Cal. No. 190

***"AN ACT CONCERNING NEIGHBORHOOD PROTECTION."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 7-148hh of the general statutes is repealed and  
4 the following is substituted in lieu thereof (*Effective October 1, 2011*):

5 As used in sections 7-148ff, 7-148ii, as amended by this act, 7-152c,  
6 19a-206, 47a-52, 47a-53, 47a-58 and 49-73b, as amended by this act:

7 (1) "Registrant" means the owner of [vacant] residential property  
8 who is required to register such property pursuant to section 7-148ii, as  
9 amended by this act.

10 (2) "Residential property" means a [one-to-four family] building  
11 containing one or more dwelling units and includes a commercial  
12 building containing one or more dwelling units.

13 (3) ["Vacant" means uninhabited.] "Dwelling unit" means any house

14 or building, or portion thereof, which is occupied, designed to be  
15 occupied, or rented, leased or hired out to be occupied, exclusively as a  
16 home or residence of one or more persons.

17 (4) ["MERS" means the Mortgage Electronic Registration Systems.]  
18 "Mortgage" means a mortgage on residential real property that is held  
19 by a person other than a natural person.

20 (5) "Person" means an individual, corporation, business trust, estate,  
21 trust, partnership, limited liability company, association, joint venture,  
22 public corporation, government or governmental subdivision, agency,  
23 or instrumentality, or any other legal or commercial entity.

24 Sec. 2. Section 7-148ii of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective October 1, 2011*):

26 (a) Any person [in whom title to a residential property has vested  
27 after October 1, 2009, through a foreclosure action pursuant to sections  
28 49-16 to 49-19, inclusive, or 49-26,] who, on or after October 1, 2011,  
29 commences an action to foreclose a mortgage on residential property  
30 shall register such property with the town clerk of the municipality in  
31 which the property is located [or with MERS (1) no later than ten days  
32 after the date title vests in such person if such residential property is  
33 vacant on the date title vests, or (2) if, as a result of an execution of  
34 ejectment pursuant to section 49-22 or a summary process action  
35 pursuant to chapter 832, such residential property becomes vacant  
36 before the date one hundred twenty days after the date title vests in  
37 such person, then no later than ten days after the date on which such  
38 property becomes vacant] at the time and place of the recording of the  
39 notice of lis pendens as to the residential property being foreclosed in  
40 accordance with section 52-325. Such registration shall be maintained  
41 by the municipality separate and apart from the land records.

42 (b) [If the registration is with the municipality, it] Registration made  
43 pursuant to subsection (a) of this section shall contain (1) the name,  
44 address, telephone number and electronic mail address of the  
45 [registrant] plaintiff in the foreclosure action and, if [the registrant]

46 such plaintiff is [a corporation] an entity or an individual who resides  
47 out-of-state, the name, address, telephone number and electronic mail  
48 address of a direct contact in the state, provided such a direct contact is  
49 available; [and] (2) the name, address, telephone number and  
50 electronic mail address of the person, local property maintenance  
51 company [responsible for the security and maintenance of the vacant]  
52 or other entity serving as such plaintiff's contact with the municipality  
53 for any matters concerning the residential property; [, if such a  
54 management company has been engaged by the registrant] and (3) the  
55 following heading in at least ten-point boldface capital letters: NOTICE  
56 TO MUNICIPALITY: REGISTRATION OF PROPERTY BEING  
57 FORECLOSED. The [registrant] plaintiff in the foreclosure action shall  
58 indicate on such registration whether it prefers to be contacted by first  
59 class mail or electronic mail and the preferred addresses for such  
60 communications. [The registrant] Such plaintiff shall report to the  
61 town clerk of the municipality in which the property is located, by  
62 mail or other form of delivery, any change in the information provided  
63 on the registration [no] not later than [ten] thirty days following the  
64 date of the change of information. At the time of registration, [the  
65 registrant] such plaintiff shall pay a [one-hundred-dollar] land record  
66 filing fee to the municipality as specified in section 7-34a.

67 [(c) If the registration is with MERS, it shall contain (1) the name,  
68 address, telephone number and electronic mail address of the  
69 registrant, and (2) the name, address, telephone number and electronic  
70 address of the local property maintenance company responsible for the  
71 maintenance of the property, if such a management company has been  
72 engaged by the registrant.]

73 (c) Any person in whom title to a residential property has vested on  
74 or after October 1, 2011, through a foreclosure action pursuant to  
75 sections 49-16 to 49-21, inclusive, or 49-26, shall register such property,  
76 in accordance with subsection (d) of this section, with the municipality  
77 in which such property is located not later than fifteen days after  
78 absolute title vests in such person. If such person is the plaintiff in the  
79 foreclosure action, such person shall, prior to the expiration of such

80 fifteen-day period, update the registration with any change in  
81 registration information for purposes of complying with said  
82 subsection (d). The updated registration shall include the following  
83 heading in at least ten-point boldface capital letters: NOTICE TO  
84 MUNICIPALITY: UPDATED REGISTRATION FOR PROPERTY  
85 ACQUIRED THROUGH FORECLOSURE.

86 (d) Registration made pursuant to subsection (c) of this section shall  
87 be mailed or delivered to the town clerk of the municipality in which  
88 the residential property is located and include (1) the name, address,  
89 telephone number and electronic mail address of the registrant and, if  
90 the registrant is an entity or an individual who resides out-of-state, the  
91 name, address, telephone number and electronic mail address of a  
92 direct contact in the state, provided such a direct contact is available;  
93 (2) the date on which absolute title vested in the registrant; (3) the  
94 name, address, telephone number and electronic mail address of the  
95 person, local property maintenance company or other entity  
96 responsible for the security and maintenance of the residential  
97 property; and (4) the following heading in at least ten-point boldface  
98 capital letters: NOTICE TO MUNICIPALITY: REGISTRATION OF  
99 PROPERTY ACQUIRED THROUGH FORECLOSURE. The  
100 registration, or updated registration, shall be accompanied by a land  
101 record filing fee payable to the municipality as specified in section 7-  
102 34a. The registrant shall report to the town clerk by mail or other form  
103 of delivery any change in the information provided on the registration  
104 not later than thirty days from the date of the change in information.

105 [(d)] (e) If a registrant required to register pursuant to subsection (c)  
106 of this section fails to comply with any provision of the general statutes  
107 or of any municipal ordinance concerning the repair or maintenance of  
108 real estate, including, without limitation, an ordinance relating to the  
109 prevention of housing blight pursuant to subparagraph (H)(xv) of  
110 subdivision (7) of subsection (c) of section 7-148, the maintenance of  
111 safe and sanitary housing as provided in subparagraph (A) of  
112 subdivision (7) of subsection (c) of section 7-148, or the abatement of  
113 nuisances as provided in subparagraph (E) of subdivision (7) of

114 subsection (c) of section 7-148, the municipality may issue a notice to  
115 the registrant citing the conditions on such property that violate such  
116 provisions. Such notice shall be sent by either first class or electronic  
117 mail, or both, and shall be sent to the address or addresses of the  
118 registrant identified on the registration. A copy of such notice shall be  
119 sent by first class mail or electronic mail to the person, property  
120 maintenance company [if such a company has been identified] or other  
121 entity responsible for the security and maintenance of the residential  
122 property designated on the registration. Such notice shall comply with  
123 section 7-148gg.

124 [(e)] (f) The notice described in subsection [(d)] (e) of this section  
125 shall provide a date, reasonable under the circumstances, by which the  
126 registrant [may] shall remedy the condition or conditions on such  
127 registrant's property. If the registrant, registrant's contact or [property  
128 management company] registrant's agent does not remedy the  
129 condition or conditions on such registrant's property before the date  
130 following the date specified in such notice, the municipality may  
131 enforce its rights under the relevant provisions of the general statutes  
132 or of any municipal ordinance.

133 [(f)] (g) A municipality shall only impose registration requirements  
134 upon registrants and plaintiffs in foreclosure actions in accordance  
135 with this section, except that any municipal registration requirements  
136 effective on or before passage of public act 09-144 shall remain  
137 effective.

138 (h) Any plaintiff in a foreclosure action who fails to register in  
139 accordance with this section shall be subject to a civil penalty of one  
140 hundred dollars for each violation, up to a maximum of five thousand  
141 dollars. Each property for which there has been a failure to register  
142 shall constitute a separate violation.

143 (i) Any person in whom title to a residential property has vested on  
144 or after October 1, 2011, through a foreclosure action pursuant to  
145 sections 49-16 to 49-21, inclusive, or 49-26, and who has not registered

146 in accordance with subsection (c) of this section within thirty days of  
 147 absolute title vesting in such owner shall be subject to a civil penalty of  
 148 two hundred fifty dollars for each violation, up to a maximum of  
 149 twenty-five thousand dollars. Each property for which there has been a  
 150 failure to register shall constitute a separate violation.

151 (j) An authorized official of the municipality may file a civil action  
 152 in Superior Court to collect the penalties imposed pursuant to  
 153 subsections (h) and (i) of this section, which penalties shall be payable  
 154 to the treasurer of such municipality. Such penalties shall not create or  
 155 constitute a lien against the residential property.

156 (k) Neither the registration by a foreclosing party nor the failure to  
 157 register in accordance with subsection (a) of this section shall imply or  
 158 create any legal obligations on the part of the foreclosing party to  
 159 repair, maintain or secure the residential property for which a  
 160 registration is required prior to the time that title passes to the  
 161 foreclosing party.

162 Sec. 3. Subsection (h) of section 49-73b of the general statutes is  
 163 repealed and the following is substituted in lieu thereof (*Effective*  
 164 *October 1, 2011*):

165 (h) The provisions of this section shall not apply to policies on  
 166 single-family or two-family dwellings, unless such dwellings are  
 167 [vacant] residential properties owned by a registrant subject to section  
 168 7-148ii, as amended by this act."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2011</i>	7-148hh
Sec. 2	<i>October 1, 2011</i>	7-148ii
Sec. 3	<i>October 1, 2011</i>	49-73b(h)